

**BOX ISSUE FEE  
PATENT**

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Application No.: 10/678,170 Art Unit: 2123  
Filing Date: October 6, 2003 Examiner: Dwin Craig  
Applicant: David Joseph KROPACZEK et al. Conf.: 2278  
Title: METHOD AND APPARATUS FOR FACILITATING RECOVERY OF NUCLEAR FUEL FROM FUEL POOL  
Attorney Docket: 24GA6001 (HDP Ref.: 8564-000042/US)

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Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
**Mail Stop Issue Fee**

November 5, 2009

**COMMENTS ON THE EXAMINER'S  
STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

In reply to the Examiner's Statement of Reasons for Allowance, provided with the Notice of Allowance dated August 6, 2009, Applicants submit the following comments.

Initially, the Examiner indicates claims 36-48 are allowed on PTOL-37 mailed August 6, 2009. Applicants, however, understand, that claims 35-48 are actually allowed, based on the Examiner's further remarks and the prosecution history. The Examiner indicates that the recited graphically filtering based on a user input fuel attribute is not disclosed by any of the art of record. Although Applicants agree that this claim limitation is not taught or suggested by the prior art, individually or in combination, Applicants wish to emphasize that even if the recited filtering functionality were to be found, a person skilled in the art would not necessarily be

motivated or able to combine them with the teachings of the art of record without significantly modifying the functionality and structure found, or introducing entirely new concepts such as fuel bundle attributes, in the applied references. Thus, Applicants respectfully submit that a specific motivation to modify the art of record and a detailed teaching of how such modification may be achieved with expected success must further be identified in order to meet the claim elements missing from the art of record.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, Reg. No. 35,416 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Ryan Alley, Reg. No. 60,977  
Gary D. Yacura, Reg. No. 35,416  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/REA : tlt